

RECEIVED  
CENTRAL FAX CENTER

APR 13 2006

Atty. Docket No.: UCF-381

IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE

Applicant: HOLMQUIST, et al.  
Serial No.: 10/738,540  
Filed: 12/17/2003  
For: MOISTURE BARRIER CONE (MBC)  
Examiner: LINDSEY, RODNEY M. Group: 3765 Paper No:

ELECTION

Commissioner of Patents  
And Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

Honorable Commissioner:

I enclose the following papers:

1. Election

Please enter the above correspondence.

Respectfully submitted

Brian S. Steinberger  
PTO Registration No. 36,423  
Client No. 23717  
101 Brevard Avenue  
Cocoa, FL 32922  
(321) 633-5080  
Facsimile (321) 633-9322

CERTIFICATE OF FACSIMILE (37 CFR 1.8a)

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office to 1-571-273-8300 totaling 3 pages

4/13  
Date

, 2006

Brian S. Steinberger  
(Name of Person Transmitting Paper)

(Signature of Person Transmitting Paper)

Atty. Docket No.: UCF-381

IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE

Applicant: HOLMQUIST, et al.  
Serial No.: 10/738,540  
Filed: 12/17/2003  
For: MOISTURE BARRIER CONE (MBC)  
Examiner: LINDSEY, RODNEY M. Group: 3765 Paper No:

RECEIVED  
CENTRAL FAX CENTER  
APR 13 2006

ELECTION

Commissioner of Patents  
And Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Action mailed March 13, 2006, Applicant elects to prosecute with traverse, Invention I, Claims 1-22, drawn to an anti-fogging device, classified in class 2, subclass 435. Based on the restriction requirement, Applicant lists inventions readable thereon as follows:

Invention I: Claims 1-22, drawn to an anti-fogging device, classified in class 2, subclass 435.

Invention II: Claims 23-39, drawn to method of eliminating fogging effects, classified in class 264 subclass 239.

Applicant agrees there are separate inventions, however, applicant disagrees with the restriction requirement for several reasons. The Primary Examiner finds separate inventions in the Figures 1-39.

Atty. Docket No.: UCF-381

A policy consideration behind a restriction requirement would suggest that separate inventions exists that inherently would include separate prior art searches, examinations, examiners, etc.

The examiner has not stated that separate searches and separate examiners are necessary to examine these inventions. In fact, the examiner implies the two inventions are searchable and classified in related classification areas.

Further, multiple examinations on these inventions would be repetitive and excessive. Separate prosecution can create an unnecessary financial burden for both the Applicant and the Patent Office. If both Inventions I and II can be searched by the same art unit and further by the same examiner, then having different examiners conduct separate searches and examinations would create an undue time and financial burden on both the patent office and on the applicant.

Therefore, Applicant requests reconsideration and withdrawal of the restriction requirement.

However, in reference to the restriction requirement, Applicant again wishes to make their election to prosecute Invention I, Claims 1-22, drawn to an anti-fogging device, classified in class 2, subclass 435 with traverse. If further restrictions are merited, please let us know.

Thus, for the above reasons, the restriction requirement is not proper and Applicant respectfully requests removal of the restriction requirement.

Respectfully submitted:

  
\_\_\_\_\_  
Brian S. Steinberger, Esq.  
Registration No. 36, 423  
Law Offices of Brian S. Steinberger, P.A.  
101 Brevard Avenue  
Cocoa, FL 32922  
Telephone: (321) 633-5080 Fax: (321) 633-9322

Date 4/13/06